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# REMARKS

In the specification, paragraphs [0014] and [0020] have been amended to correct minor editorial problems.

Claims 1 and 3-31 remain in the application. Claim 2 has been canceled. Independent claims 1, 11, and 24 have been amended.

## REJECTION UNDER 35 U.S.C. §112

Claim 2 has been rejected under 35 U.S.C. §112, first and second paragraphs. Claim 2 has been cancelled without prejudice, thus obviating the rejections of that claim.

## REJECTIONS UNDER 35 U.S.C. §103

The Office Action rejected claims 1, 2, 4-12, 14-25 and 29-31 under 35 U.S.C. 103(a) as being unpatentable over Long (US 2002/0129079) in view of alleged applicant admitted prior art (AAAPA). The Applicant respectfully traverses this rejection.

The Office Action concedes that Long does not discuss that the programming language is a GAS language. However, the Examiner contends: "Since Titanium is an extension of Java programming language described above, it would have been obvious to one ordinarily skilled in the art at the time of the Applicant's to use Java's extension (Titanium) for programming purposes ..." The case law makes clear that the best defense against hindsight-based obviousness analysis is the rigorous application of the requirement for a showing or a teaching or motivation to combine the prior art references. See In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight." Id. Ecolochem v. Southern California Edison, 227 F.3d 1361 (Fed.Cir. 2000). First, Applicant has not admitted that Titanium is prior art. The discussion of that programming language in the

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Background is not such an admission. In fact, the Background makes it clear that existing implementations are deficient in that they cannot scale to operate above 64-256 threads. Second, the claimed combination when, as it must be, is viewed as a whole is not made obvious by the cited combination of references. Claim 1, as amended, makes it clear that the shared variable directory is for locating and managing shared objects. The Long patent application does not disclose how threads know about each other's shared data as the claimed structure does. Therefore, it does not teach or suggest the claimed directory of shared variables. Long appears concerned with making sure that several threads do not access and update the same object concurrently so that monitors are not reclaimed during a garbage collection. Long actually teaches away from the claimed invention by discussing a concern that is not present in the systems claimed. The mere existence of Titanium does not teach or suggest the modification of Long as proposed by the Examiner. That is like arguing that whoever authored the alphabet also authored everything using the alphabet. The existence of a language does not make obvious all programs that are created with the language.

Claims 11 and 24 been amended (as claim 1) to recite that the shared variable directory is for locating and managing shared objects. As discussed above, neither Long nor Applicant's Background teach or suggest the claimed shared variable directory.

The rejection of claim 2 is moot in view of its cancellation. Claims 4-10 are dependent on claim 1 and are patentable over the cited references for the above reasons. Claims 12-23 are dependent on claim 11 and are patentable over the cited references for the above reasons. Claims 25-31 are dependent on claim 24 and are patentable over the cited references for the above reasons.

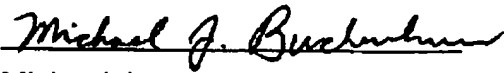
For the foregoing reasons, Applicant respectfully requests entry of the amendment and allowance of the pending claims.

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Respectfully submitted,



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I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein are being facsimile transmitted on this date, September 18, 2006, to the Commissioner for Patents, Mail Stop Amendment, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 at facsimile number 571 273-8300.

  
Michael J. Buchenhorner

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